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CASE D0026 DIV *FW*



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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF  
NARAYANAN HARIHARAN

ART UNIT: 1653

APPLICATION NO: 10/718,470

EXAMINER: SNEDDEN, SHERIDAN

FILED: NOVEMBER 20, 2003

FOR: REGULATORS OF PPARDELTA (BETA) AND THEIR USE IN THE  
TREATMENT OF OBESITY AND INSULIN RESISTANCE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

In response to the Office Action dated December 3, 2004, requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby provisionally elect, with traverse, to prosecute the invention of Group I, claims 9 and 20 "drawn to a method of identifying compounds for treating obesity using an in vitro binding assay." This election is made without prejudice to or disclaimer of the other claims or inventions disclosed. Applicants reserve the right to file one or more continuation applications to the non-elected subject matter.

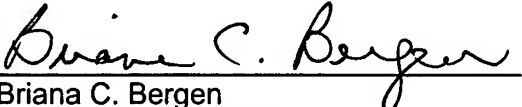
It is respectfully requested that the Group I claims be examined in conjunction with the Group II, claims 9 and 20 "drawn to a method of identifying compounds for treating obesity using a cell based transactivation assay." Applicants submit that the search for art poses no undue burden on the Examiner, since the claims of Groups I and II are claims 9 and 20 which are directed to methods of identifying compounds for treating obesity comprising identifying inhibitors or regulators of PPAR $\delta$ ( $\beta$ ) activity. Applicants request that the search for art be directed to Applicants' claimed

methods for identifying compounds for treating obesity rather than limiting prosecution of the claims with respect to an assay recited in the markush group of claim 9. Applicants submit that there is no undue burden placed on the Examiner by this request. Thus, Applicants respectfully request that the claims of Group I and Group II be rejoined for examination in the present application. Reconsideration of the restriction requirement is respectfully requested.

If the Examiner wishes to discuss this reply or any aspect of this case, he is invited to contact the undersigned attorney.

No fee is believed due for this response. However, should any fee(s) be deemed to be required in this application, the Commissioner is hereby authorized to charge any such fee(s), or credit any overpayment, to Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

Respectfully submitted,

  
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Date: March 3, 2005